

**REMARKS****Summary of the Office Action**

In the Final Office Action dated February 23, 2005, claims 1, 3-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ogatsu et al. (US, 57,199,56) in view of Nakatsuka et al. (US, 49,262,54).

**Summary of Response to the Office Action**

Applicant has amended claim 1 to correct a typographical error. Accordingly, claims 1 and 3-17 are presently pending.

**All Subject Matter Complies With 35 U.S.C. § 112, first paragraph**

The Office Action rejects claim 17 under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. Applicant respectfully traverses the rejection for the following reasons.

The Office Action takes the position that “said second color signals are not set to zero under a predetermined condition,” is not described in the specification. Applicant respectfully disagrees.

Applicant respectfully asserts that there is reference to the second color signals not being set to zero at least at page 33; lines 9 to 14, page 43; lines 12 to 17 and page 53; lines 1 to 6 of the specification. This language comports with claim 17 which recites a “color image processing method . . . wherein the color signals other than black in said second color signals are not set to zero under a predetermined condition.”

Applicant respectfully asserts that the above-mentioned feature is fully enabled in the specification and that one of ordinary skill in the art would have understood that these portions of the specification, when read in context with the entire specification, support claim 17.

Furthermore, it is respectfully submitted that Applicant's specification enables one of ordinary skill in the art to make and use the claimed invention. Accordingly, the rejection under 35 U.S.C. § 112, first paragraph, should be withdrawn.

**All Claims Define Allowable Subject Matter**

In the Office Action, claims 1 and 3-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ogatsu et al. (US, 57,199,56) in view of Nakatsuka et al. (US, 49,262,54). Applicant traverses the rejections of all claims, and respectfully requests reconsideration of this application, withdrawal of all rejections, and the timely allowance of all pending claims.

Independent claim 1, as amended, recites a color image processing method, including in part "wherein, setting the color signals other than black in said second color signals to zero, when the color signals other than black in said first color signals are zero." Similarly, independent claim 7, as amended, recites a color image processor, including in part "wherein the color signals other than black in said second color signals are set to zero, when the color signals other than black in said first color signals are zero."

In the Office Action, the Examiner admits that Ogatsu et al. "does not disclose when color signals other than black in said first color signals are set to zero, the color signals other than black in said second color signals are set to zero." Thus, the Examiner asserts that Nakatsuka et al. discloses setting the color signals other than black in said second color signals to zero, when the color signals other than black in said first color signals are zero (col. 7. lines 59-67, and FIG. 7A). Applicant respectfully disagrees.

In contrast to Applicant's invention, Nakatsuka et al. teaches at column 7, line 56 to column 8, line 10, column 8, line 59 to column 9, line 12, and as depicted in FIG. 7, the color patches  $OP_1$  to  $OP_{21}$  where density values of the respective primary chromatic components, changed stepwise by five percent in the halftone area rate, are employed to create a color conversion table CT. Applicant respectfully submits that the zero yellow density of the color patches  $OP_1$  through  $OP_{21}$  is not at all related to the claimed "three variable color signals . . . the device-independent color signals in said second color signals so that colorimetric consistency of the three variable color signals may be obtained, wherein when the color signals other than black in said first color signals are set to zero, the color signals other than black in said second color signals are set to zero," features recited in claim 1.

Nakatsuka et al. is completely silent about the color image processing method and the color image processor of the present invention that selectively sets any non-black color signals in the second color signals to zero when corresponding non-black color signals in the first color signals are zero. While Nakatsuka et al. discloses several examples as to how image conversion is implemented when an achromatic component (i.e. black color, col. 6, lines 46-64, and col. 7, lines 16-20) has a value of zero, none of Nakatsuka et al.'s image conversion methods is adapted to implement the cases when any of the chromatic components (i.e., color components: yellow, magenta, and cyan) has a value of zero.

As instructed in MPEP §2143.03, "[t]o establish a prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 4980 F.2d 981, 180 USPQ 580 (CCPA 1974)."

Applicant respectfully submits that in light of the argument presented above with regard to amended independent claims 1 and 7, Nakatsuka et al. fails to cure the deficiencies of Ogatsu

et al. Accordingly, Applicant respectfully requests that the rejection of amended independent claims 1 and 7 under 35 U.S.C. § 103(a) be withdrawn because Ogatsu et al. and Nakatsuka et al., whether taken singly or combined, fails to teach the “setting the color signals other than black in said second color signals to zero, in case the color signals other than black in said first color signals are zero” as recited by amended independent claims 1 and 7.

Furthermore, Applicant respectfully submits that dependent claims 3-6 and 8-16 are in condition for allowance for all of the reasons discussed above with regard to amended independent claims 1 and 7, from which they respectfully depend, as well as the individual features that dependent claims 3-6 and 8-16 recite.

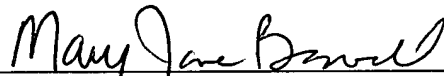
**CONCLUSION**

In view of the foregoing remarks, Applicant respectfully requests reconsideration of this application, withdrawal of all rejections, and the timely allowance of all pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.R.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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